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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (III) PART II—Section 3—Sub-section (III)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों के छोड़कर) द्वारा जारी किए गए आदेश और अधिसूचनाएँ
Orders and Notifications issued by Central Authorities (other than Administrations of Union Territories)

भारत निर्वाचन आयोग

प्रादेश

नई दिल्ली, 8 फरवरी, 1993

शा. अ. 61—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट पश्चिम बंगाल विधान सभा के उप निर्वाचन के लिए श्री स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके मामले विनिर्दिष्ट निर्वाचन करने वाला प्रत्येक सम्प्रदाई, लोक प्रतिनिधित्व अधिनियम, 1951 तथा मदीन कानून गण नियमों द्वारा श्रेष्ठित उक्त सारणी के स्तम्भ (5) में यथा शक्ति यवने निर्वाचन व्यक्तों का लेखा बांझिल करने में असफल रहा है।

और उक्त अध्याधियों ने सम्यक सुचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पक्षी कारण या औचित्य नहीं है।

शन अथ, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण से नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद की किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कायावधि के लिए निरहित घोषित करता है।

सारणी

क्र. सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र की नाम संख्या और नाम	निर्वाचन अड्डे वाले अभ्यर्थी का नाम और पता	निर्वाचन क्षेत्र का नाम
1	2	3	4	5
1.	पश्चिम बंगाल विधान सभा के लिए उप-निर्वाचन, 1992	152—बालीगंज विधान सभा निर्वाचन क्षेत्र।	श्री प्रदीप मुखर्जी, 13, वैकुण्ठ घोष रोड, कलकत्ता-42, पश्चिम बंगाल।	निर्वाचन व्ययों का कोई भी लेखा प्रस्तुत करने में अनवधान।
2.	—वही—	—वही—	श्री विकास चटर्जी, 162120/40 प्रिम प्रानवर्न शाह रोड (साके गार्डन), कलकत्ता-45, प. बंगाल।	—वही—
3.	—वही—	—वही—	श्री विमल चक्रवर्ती, 23, कालीबाम, पारीश्रदी लेन, कलकत्ता-26, पश्चिम बंगाल।	—वही—
4.	—वही—	—वही—	श्री जमुनालाल प्रसाद, 32/एच/2 सर सैयद अरफ़ रोड, कलकत्ता-14, प. बंगाल।	—वही—
5.	—वही—	—वही—	श्री कमल भंडल, पी-16, पशुपति मण्डाबाग, रोड, कलकत्ता-37, पश्चिम बंगाल।	—वही—
6.	—वही—	—वही—	श्री शेष नाथ मिश्रा, 128, ए. जे. पी. बोस रोड, कलकत्ता-14, पश्चिम बंगाल।	—वही—
7.	—वही—	—वही—	श्री एम. के. अतिउर रहमान, 26, समसुल्लुहा रोड, कलकत्ता-17, पश्चिम बंगाल।	—वही—
8.	—वही—	—वही—	श्री शेख कादर खान, पारीश्रदी पारा, पो. आ. मुनिकपुर, पु. स्टेशन बरकुरीपुर, ब्रिज 24 परगना पश्चिम बंगाल।	—वही—

[F 76/प. ब. -वि. स. /92 (उप)/4455]

आदेश से,

अर्चना अरोड़ा, सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 8th February, 1993

O.N. 61.—Whereas, the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the By-Election to West Bengal Legislative Assembly 1992, as specified in column, (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses as shown in column (5) of the said Table, as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, none of the said candidates has furnished any reason or explanation for the said failure even after due notice, and the Election Commission is thus satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order;

TABLE

Sl. No.	Particulars of election	S. No. & Name of the Constituency	Name & address of the candidate	Reason for disqualification
1	2	3	4	5
1.	Bye-Election to West Bengal Legislative Assembly, 1992.	152-Ballygunge Assembly Constituency	Shri Ashok Mukherjee, 13, Baikuntha Ghosh Road, Calcutta-42, West Bengal.	Failed to lodge any account of election expenses
2i	-do-	-do-	Shri Bikash Chatterjee, 162A/40, Prince Anwar Shah Road, (Lake Gardens) Calcutta-45 West Bengal.	-do-
			Shri Bimal Chakraborty 23, Kalidas Atitundi Lane, Calcutta-26, West Bengal.	-do-
4.	-do-	-do-	Shri Jamunalal Prosad 32/H/2, Sir Syed Ahmed Road, Calcutta-14i West Bengal.	-do-
5i	-do-	-do-	Shri Kamal Mondal P-16, Pasupati, Bhattacharji Road, Calcutta-37, West Bengal.	-do-
6.	-do-	-do-	Shri Shesh Nath Mishra 128, A.J.C., Bose Road, Calcutta-14, West Bengal.	-do-
7.	-do-	-do-	Shri S.K. Atiur Rahman 2f, Samsul Huda Road, Calcutta-17, West Bengal.	-do-
8.	-do-	-do-	Shri SK. Kadar Ali Faridpur Para, P.O. Mullickpur, P.S. Baraipur, South, 24-Parganas, West Bengal.	-do-

[No. 76/WB-LA/92(Bye)/4455]

By Order.

ARCHNA ARORA, Secy.

नई दिल्ली, 17 फरवरी, 1993

मा.अ. 62.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र की सरकार के परामर्श से श्री टी.टी. जोसफ, आई.ए.एस., आयुक्त और सचिव (भूमि और इमारत) पी डब्ल्यूडी को मुख्य निर्वाचन अधिकारी के रूप में, उनके कार्यभार ग्रहण करने की तारीख से और अगले आदेशों तक इसके द्वारा नामित करता है।

2 श्री टी.टी. जोसफ, दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र के अधीन सभी परभार या किसी कार्य में परभारी को तत्काल शीघ्र से या धारण

करना मनाया कर दें जो कि वे ऐसा पदभार ग्रहण करने से पहले धारण कर रहे थे। किसी अपवाद की अनुमति नहीं दी जायेगी।

3. मुख्य निर्वाचन अधिकारी, दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र के रूप में कार्य करने हुए श्री टी.टी. जोसफ को यह आदेश दिया जायेगा कि वे दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र के अधीन किसी भी प्रकार का कोई प्रतिक्रिया कार्यभार नहीं ग्रहण करेंगे, सिवाय इसके कि उनको राज्य सचिवालय में निर्वाचन आयोग के अधीन विभाग के प्रभारी सरकार के सचिव नामित किया जायेगा जैसा कि राज्य सरकार द्वारा निर्णय लिया गया है।

4. यदि श्री टी. टी. जोसफ को आयोग के पूर्व लिखित अनुमोदन के बिना किसी भी प्रकार का कोई प्रतिरिक्त कार्यभार सौंपा या प्रेषण करवाया जाये तो वे इस आदेश के अनुसार ऐसा प्रतिरिक्त कार्यभार बहूष करने की तारीख से मुख्य निर्वाचन अधिकारी, दिल्ली राष्ट्रीय राजधानी राज्य क्षेत्र के पदभार से अपने भाप हटा दिए गए समझे जाएंगे और किन्हीं अवसरों पर भी जारी करने की आवश्यकता नहीं होगी। उसके पश्चात् मुख्य निर्वाचन अधिकारी के रूप में उनकी ह्यूटी और कार्य के संचालित निवाहने हमें उनके द्वारा की गई नसमी या कोई कार्यवाई अप्राधिकृत और नार्कि और गून्य होगी और उनके विकल्प अनुशासनात्मक कार्यवाई की जा सकेगी।

[म. 154/दिल्ली/93]

आदेश से,

सुरेन्द्र मंदिरत्ता, सचिव

New Delhi, the 17th February, 1993

O.N. 62.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of National Capital Territory of Delhi hereby nominates Shri T. T. Joseph, IAS, Commissioner and Secretary (Land & Building/PWD), Govt. of National Capital Territory of Delhi, as the Chief Electoral Officer for National Capital Territory

of Delhi with effect from the date he takes over charge and until further orders.

2. Shri T. T. Joseph shall cease to hold and hand over forthwith the charge of all or any charges of work under the Government of National Capital Territory of Delhi which he may be holding before such assumption of office. No exceptions will be permitted.

3. Shri Joseph while functioning as the Chief Electoral Officer, National Capital Territory of Delhi shall not be ordered to hold any additional charge whatsoever under the Government of National Capital Territory of Delhi, except that he should be designated Secretary to the Government in-charge of Department under the Election Commission in the State Secretariat as decided by the Government of National Capital Territory of Delhi.

4. If Shri Joseph is entrusted with or is made to hold any additional charge of any kind whatsoever, without the prior written approval of the Commission, he shall stand removed automatically from the office of the Chief Electoral Officer, National Capital Territory of Delhi from the date of assumption of such additional charge as per this order and no separate orders will, or need to, issue. All and any action taken by him thereafter in the so called discharge of his duties and functions as the Chief Electoral Officer shall be unauthorised and non-est and null and void and he shall render himself liable to disciplinary action.

[No. 154/DL/93]

By Order,

S. K. MENDIRATTA, Secy.

आदेश

नई दिल्ली, 8 फरवरी, 1993

आ.प्र. 63.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यह यथा विनिर्दिष्ट बिहार राज्य में विधान सभा के उप निर्वाचन, 1992 के लिए दो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके भाषने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक प्रत्याशी, लोक प्रतिनिधित्व अधिनियम 1951 तथा तन्वीन बनाए गए नियमों द्वारा यथा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दगित करने निर्वाचन स्थलों का लेखा आखिल करने में अमफल रहा है,

और, उक्त अध्याधियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए न तो कोई कारण प्रस्तावित हो गया है और उनके द्वारा आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्व नहीं है,

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट स्थानों की संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा या विधान परिषद के सदस्य चुने जाने और होने के लिए, उस आदेश की तारीख से तीन वर्ष की कामावधि के लिए निरहित घोषित करता है।

सारणी

क्रम संख्या	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्रम संख्या और नाम	निर्वाचन लड़ने वाले प्रत्याशी का नाम और पता	निरहता का कारण
1.	बिहार विधान सभा के लिए, उप निर्वाचन, 1992।	301 नमाइ (अ. ज. जानि)	श्री धनजय सिंह मुंडा, ग्राम मिरकाबोह, पो. कोन्ना, जिला राँची, बिहार।	निर्वाचन स्थलों का कोई भी लेखा दाखिल करने में असफल।
2.	—वही—	—वही— म	श्री बलराम उरांव, ग्राम भीरुवाडीह, पो. मुंडा, जिला राँची, बिहार।	—वही—
3.	—वही—	—वही—	श्री धूपति, ग्राम, टी. सी. कामान्नी, पो. बारीडीह, जिला मिर्जापुर, बिहार।	—वही—
4.	—वही—	—वही—	श्री शम्भू नाथ मुण्डा, ग्राम पंगडु, थाना तमाइ, जिला राँची, बिहार।	—वही—
5.	—वही—	—वही—	श्री प्रथम किशोर मुंडा, ग्राम व पो. नमाइ, जिला राँची, बिहार।	—वही—

[म. 76/बिहार-वि.म./93/4679]

आदेश से,

सना मंदिरत्ता, सचिव

ORDER

New Delhi, the 8th February, 1993

O.N. 63.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the Byc-Election to the Bihar Legislative Assembly, 1992 as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder as shown in column (5) of the said table;

And, whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly of a State/Union Territory or Legislative Council of a State for a period of 3 years from the date of this order :—

TABLE

Sl. No.	Particulars of election	Number and Name of Constituency	Name and Address	Reason for disqualification.
1	2	3	4	5
1.	Byc-election to Bihar Legislative Assembly, 1992	301-Tamar (ST)	Sh. Dhananjay Singh, Munda, Vill.—Sirka Deeh, P.O.—Cocha, Distt.—Ranchi, Bihar.	Failure to lodge any account of election expenses.
2.	-do-	-do-	Sh. Belram Oraon, Vill.—Bhokuba Deeh, P.O.—Buntu, Distt.—Ranchi, Bihar.	-do-
3.	-do-	-do-	Sh. Bhupal, I.T.C. Colony, Post—Baredeeh, Distt.—Singhbhum, Bihar.	-do-
4.	-do-	-do-	Sh. Shambhu Nath Munda, Vill.—Lungtoo, P. S Tamar Distt.—Ranchi, Bihar.	-do-
5.	-do-	-do-	Sh. Shyam Kishore Munda, Vill. & P.O.—Tamar, Distt.—Ranchi, Bihar.	-do-

[No. 76/BR-LA/93/4679]

By order,

ARCHNA ARORA, Secy.

आदेश

नई दिल्ली, 8 फरवरी, 1993

आ.प्र. 64.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट बिहार विधान सभा के उप निर्वाचन 1991 के लिए जो उसके सामने स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र में दृष्टा है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा गठित बनाए गए नियमों द्वारा यथा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थियों में सम्पत्ति सूचना विधेयक के तहत भी उक्त असफलता के लिए न तो कोई कारण प्रस्तुत किया है और न ही निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई गंभीर कारण या व्यावहारिक नहीं है,

अतः एवं निर्वाचन आयोग उक्त प्रक्रियामें की धारा 10क के अनुसरण में सीटों की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को समय के किसी भी समय के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा विधान परिषद् के सदस्य चुने जाने योग्य होने के लिए आदेश की तारीख से सीट बचे की कानाचित्र के लिए निर्वाचन घोषित करता है।

क्र.सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र का नाम और नाम	निर्वाचन करने वाले व्यक्तियों का नाम और पता	निराकरण का कारण
1	बिहार विधान सभा के लिए उप निर्वाचन 1991।	3-सिक्ता	अशुल मियां, ग्राम-पो.-ओ.-डी. के. शिकारपुर बाना-शिकारपुर जिला-प.-बम्पारण बिहार।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में अशक्य।
2	-वही-	-वही-	अशुल मियां, ग्राम-ब.पो.-डी. के. शिकारपुर बाना-शिकारपुर, जिला-प.-बम्पारण बिहार।	-वही-
3	-वही-	-वही-	श्री नरेश भगत, ग्राम-पो.-ओ.-डी. के. शिकारपुर, बाना-शिकारपुर, जिला-प.-बम्पारण, बिहार।	-वही-
4	-वही-	-वही-	श्री नरेश भगत, ग्राम-महमिया पा.-भन्नुखिया, प.-बम्पारण, बिहार।	-वही-
5	-वही-	-वही-	श्री बालकृष्ण राम, ग्राम-ब.पो.-बम्पारण-बुधु बाना-भैरविया, प.-बम्पारण, बिहार।	-वही-
6	-वही-	-वही-	श्री रफीक मियां, ग्राम-ब.पो.-डी. के. शिकारपुर, बाना-शिकारपुर, प.-बम्पारण, बिहार।	-वही-
7	-वही-	-वही-	श्री शिव प्रसाद चौधरी, ग्राम-ब.पो.-डी. के. शिकारपुर, पो.-बम्पारण बिहार।	-वही-
8	-वही-	-वही-	श्री मुन्शी मियां, ग्राम-ब.पो.-डी. के. शिकारपुर बाना-शिकारपुर, प.-बम्पारण, बिहार।	-वही-
9	-वही-	5-सिक्ता	श्री हबीबुल्लाह, ग्राम-मिरमिया पो.-बाजार बेलवा, बाना-साटी प.-बम्पारण, बिहार।	-वही-
10	-वही-	49-पानपूर (म.जा.)	श्री विरेन्द्र रामवान, ग्राम-बम्पानीपुर भीरह (मं.) पा.-मोहल डीह, जिला-बैजाली, बिहार।	-वही-
11	-वही-	-वही-	श्री राज कुमार पासवान, ग्राम-बनौया, पो.-सिसौजीया जिला-बैजाली, बिहार।	-वही-
12	-वही-	52-बैजाली	श्री अचाहर सिंह, ग्राम-बनगुलामुन्नी पो.-पटेवा गयाम, जिला-बैजाली, बिहार।	-वही-
13	-वही-	-वही-	नरुनी महतो, ग्राम-बकसमुद नवादा पो.-मगुरु, जिला-बैजाली, बिहार।	-वही-
14	-वही-	-वही-	श्री महताब प्रहमद झा, ग्राम-ब.पो.-सिसौजी, जिला-बैजाली, बिहार।	-वही-
15	-वही-	-वही-	श्री महावीर राय, ग्राम-गिणवनी जिला-बैजाली, बिहार।	-वही-

1	2	3	4	5
16.	बिहार विधान सभा के लिए उप निर्वाचन 1991	52-बैशाली	श्री राम बालराम राय, ग्राम-बैलका पो. -धर्मपुर, जिला-बैशाली, बिहार।	निर्वाचित व्यक्तियों के लिए कोई भी निष्ठा स्वीकृत करने में प्रतिकूल।
17.	-बैशाली-	-बैशाली-	श्री रामा शंकर प्रसाद यादव, ग्राम-जहांगीरपुर पट्टेडा मराय, जिला-बैशाली, बिहार।	-बैशाली-
18.	-बैशाली-	-बैशाली-	श्री बालेश्वर राय, ग्राम-बालसा बाट पो. -बाजितपुर बिटपुर, जिला-बैशाली, बिहार।	-बैशाली-
19.	-बैशाली-	-बैशाली-	श्री लतीफ कुमार, ग्राम-सगवा, पो. -बकबाजा नगवा, जिला-बैशाली, बिहार।	-बैशाली-
20.	-बैशाली-	57-कुर्बनी	श्री बिलरजन प्रसाद ठाकुर, ग्राम + पो. -केशराबा रोड, जिला-मुजफ्फरपुर, बिहार।	-बैशाली-
21.	-बैशाली-	-बैशाली-	श्री निबल किशोर राय, ग्राम-हरमूडा पो. -कुर्बनी, जिला-मुजफ्फरपुर, बिहार।	-बैशाली-
22.	-बैशाली-	-बैशाली-	श्री बन्धन पासवान, ग्राम + पो. -शाहपुर मरीचा, जिला-मुजफ्फरपुर, बिहार।	-बैशाली-
23.	-बैशाली-	-बैशाली-	श्री राजगीर पासवान, ग्राम-जहोडा, पो. -जहोडा पकड़ी, भाया पलाही, जिला-मुजफ्फरपुर, बिहार।	-बैशाली-
24.	-बैशाली-	-बैशाली-	श्री शम्भू राय, कासी बाई रोड, मालीघाट पार्क नं. 13, मुजफ्फरपुर, बिहार।	-बैशाली-
24.	-बैशाली-	162-पोंडिमाहाट	श्री कपिल भगत, ग्राम-बोहरा, पो. -सरवा, जिला-गोड्डा, बिहार।	-बैशाली-
26.	-बैशाली-	-बैशाली-	श्री प्रकाश मन्त्री, ग्राम + पो. -देवगन्धा, जिला-गोड्डा, बिहार।	-बैशाली-
27.	-बैशाली-	-बैशाली-	श्री महेंद्र यादव, ग्राम + पो. -पसई, जिला-गोड्डा, बिहार।	-बैशाली-
28.	-बैशाली-	-बैशाली-	श्रीमती शशी कला देवी, ग्राम + पो. -गोड्डा, जिला-गोड्डा, बिहार।	-बैशाली-
29.	-बैशाली-	213-प्राचीभञ्ज	हुटा दिया गया	-बैशाली-
30.	-बैशाली-	-बैशाली-	श्री प्रबोध कुमार यादव, ग्राम + पो. -मिर्जाहाट, थाना पालीगंज पटना, बिहार।	-बैशाली-
31.	-बैशाली-	-बैशाली-	हुटा दिया गया	-बैशाली-
32.	-बैशाली-	-बैशाली-	श्री उमा शंकर सिंह, ग्राम + पो. -बेन्हीरी, पटना, बिहार।	-बैशाली-
33.	-बैशाली-	-बैशाली-	श्री जय प्रकाश, ग्राम + बैरुनी खडवा, पो. -लासादगांव, पटना, बिहार।	-बैशाली-

1	2	3	4	5
34.	बिहार विधान सभा के लिए उप-निर्वाचन 1991	213-पानीगंज	श्री तेज कुमार ग्राम—पो.—लावाभरसाग थाना—बिक्रम, पटना	निर्वाचन व्ययों का कोई भी लेखा दायित्व करने में अशक्त।
35.	--वही--	--वही--	श्री बीना नाथ प्रसाद सिंह ग्राम—सरकुना पो.—भरमपुरा दुर्लभित बाजार पटना, बिहार	--वही--
36.	--वही--	--वही--	श्री बालेसर सिंह उर्फ लालबाबू ग्राम—ताजपुर विष्णुपुर पो.—रामपुर धीरपुर जिला—जहानाबाद, बिहार	--वही--
37.	--वही--	--वही--	श्री मेदनी राम ग्राम—पो.—बेनीबिगहा थाना—बिक्रम पटना, बिहार	--वही--
38.	--वही--	--वही--	श्री मो. मोहिन ग्राम + पो. पानीगंज बिहार	--वही--
39.	--वही--	--वही--	श्री राजकुमार यादव ग्राम—भगमोगा पो.—अछुआ जिला पटना, बिहार	--वही--
40.	--वही--	--वही--	श्री राम इकबाल यादव ग्राम + पो.—ताला भवसाग थाना—दुलहिन बाजार पटना, बिहार	--वही--
41.	--वही--	--वही--	श्री रामगुप्त शर्मा ग्राम—मवारी पुर पो.—मिठिपुर पानीगंज बिहार	--वही--
42.	--वही--	--वही--	श्री रामाश्रीष सिंह ग्राम—बहाबपुर पो.—सुनाठी पानीगंज पटना, बिहार	--वही--
43.	--वही--	--वही--	हटा दिया गया	--वही--
44.	--वही--	--वही--	श्री लाल बिहारी मोशी ग्राम + पो.—भरमपुरा थाना—सीबतपुर पटना, बिहार	--वही--
45.	--वही--	--वही--	श्री बिजय शर्मा ग्राम—बालीपाकड़ पो.—अछुआ, पटना, बिहार	--वही--
46.	--वही--	--वही--	श्री शम्भू सिंह ग्राम—अक्षिपारपुर, पानीगंज पटना, बिहार	--वही--
47.	--वही--	--वही--	श्री सुबामा यादव ग्राम—रामपुर नगवां पो.—पानीगंज पटना, बिहार	--वही--

1	2	3	4	5
48.	बिहार विधान सभा के लिए उप-निर्वाचित 1991	213--पालीयांज	श्री सुनील कुमार ग्राम--रकसिया पो.--तालाभदमारा कुलिहान बाजार, पटना, बिहार	निर्वाचित व्यक्तों का कोई भी वेबसाइट दाखिल करने से प्रयोज्य।
49.	--बही--	--बही--	श्री हरेश मिश्र ग्राम--रकसिया पो.--तालाभदमारा पटना, बिहार	--बही--
50.	--बही--	280--दुष्टी	श्री पी. के. बटर्जी ग्राम--तणरीकला पो.--बामखोरा जिला धनबाद, बिहार	--बही--
51.	--बही--	--बही--	श्री प्रभु प्र. विश्वकर्मा ग्राम + पो.--गोविन्दपुर जिला धनबाद, बिहार	--बही--
52.	--बही--	285--हरिया	श्री धनन्तम ग्राम--भागा नं. 4 पो.--माया, जिला धनबाद बिहार	--बही--
53.	--बही--	--बही--	श्री फाकी करण कोष भौरा नं. --12 ग्राम + पो.--बीरा जिला धनबाद, बिहार	--बही--
54.	--बही--	--बही--	श्री एम. एम. किया उदीन ग्राम--विगवारडीह पो.--जोरोपोखर जिला धनबाद, बिहार	--बही--
55.	--बही--	--बही--	श्री रमेश मिश्र ग्राम--बोरगढ़ पो.--कफगाबाँझ जिला धनबाद, बिहार	--बही--
56.	--बही--	--बही--	श्री मोफीम साहिन उपरकुली पो.--हरिया जिला धनबाद, बिहार	--बही--
57.	--बही--	--बही--	श्री राजदेव मिश्र ग्राम--बोरगढ़ पो.--कृतपडीया जिला धनबाद, बिहार	--बही--
58.	--बही--	--बही--	श्री राजजी मिश्र ग्राम--दुर्गापुर पो.--हरिया जिला धनबाद, बिहार	--बही--
59.	--बही--	--बही--	श्री सकल दीप पसाद ग्राम--दुर्गापुर पो.--हरिया जिला धनबाद, बिहार	--बही--
60.	--बही--	310--सिसई, (ब. ज. आ.)	श्री पन्ना उराँव ग्राम--सकल औरंगी टोनी पो.--सोगड़ा बाबा--बिसई जिला मुजफ्फर, बिहार	--बही--

1	2	3	4	5
61.	बिहार विधान सभा के लिए उप-निर्वाचन 1991	310—सिमरौ (प्र. अ. जा.)	श्री बैयनाथ उराव ग्राम—रेहवा कुर्बई टोली पो.—सुर्मा, थाना—सिमरौ जिला—सुमेल बिहार	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असमर्थ।
62.	-बही-	316—वातेहार (प्र. जा.)	श्री गंगा राम ग्राम—दिलीदाग पो.—ईशार थाना—बालूमाथ जिला पलामू, बिहार	-बही-
63.	-बही-	-बही-	श्री धनु कधारी रामझू ग्राम—बालूमाथ जिला पलामू, बिहार	-बही-
64.	-बही-	-बही-	श्री रामदेव गंझू ग्राम—बनरो पो. + थाना—चन्दवा जिला पलामू, बिहार	-बही-
65.	-बही-	-बही-	श्री विजय राम ग्राम—डाली पो. + थाना—बोहूमथगज जिला पलामू, बिहार	-बही-

[सं. 76/बिहार-वि.सं./93]

आदेश से,

अर्बना अरोड़ा, सचिव

ORDER

New Delhi, the 8th February, 1993

O.N. 64.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the By-election to the Bihar Legislative Assembly, 1991 as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder as shown in column (5) of the said table;

And whereas, the said candidates have not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly of a State/Union Territory or Legislative Council of a State for a period of 3 years from the date of this order :—

TABLE

Sl. No.	Particulars of election	Number and Name of Constituency	Name and Address	Reason for disqualification.
1	2	3	4	5
1.	Bye-election to Bihar Legislative Assembly, 1991	5-Sikta	Sh. Abdul Mian, At + P.O.—D.K. Shikarpur, P.S.—Shikarpur, Distt.—West Champaran, Bihar.	Failure to lodge any account of election expenses.
2.	-do-	-do-	Sh. Ishu Mian, At & P.O.—D.K. Shikarpur, P.S.—Shikarpur, Distt.—West Champaran, Bihar.	-do-
3.	-do-	-do-	Sh. Nandan Bhagat, At & P.O.—D.K. Shikarpur, P.S.—Shikarpur, Distt.—West Champaran, Bihar.	-do-

1	2	3	4	5
4.	Bye-election to Bihar Legislative Assembly, 1991	5-Sikta	Sh. Nurul Hassan, Vill.—Majharia, P.O.—Bhaluwahia, Distt.—West Champaran, Bihar.	Failure to lodge any account of election expenses.
5.	-do-	-do-	Sh. Balkunwar Ram, Vill.—Post—Tadhwanandpur, P.S.—Bairiya, Distt.—West Champaran, Bihar.	-do-
6.	-do-	-do-	Sk. Rafique Mian, At—P.O.—D.K. Shikarpur, Distt.—West Champaran, Bihar.	-do-
7.	-do-	-do-	Sk. Sheo Prasad Choudhary, At & P.O.—D.K. Shikarpur, P.S.—Shikarpur, Distt.—West Champaran, Bihar.	-do-
8.	-do-	-do-	Sh. Sukhi Mian, At & P.O.—D.K. Shikarpur, Distt.—West Champaran, Bihar.	-do-
9.	-do-	-do-	Sh. Habibulah, Vill.—Sirisia, P.S.—Bazar Belwa, P.S.—Sathi, Distt.—West Champaran, Bihar.	-do-
10.	-do-	49-Patepur (SC)	Sh. Virender Paswan, Vill.—Lakhanipur, Maodeh, Moh. Mardeh Dih, Distt. Vaishali, Bihar.	-do-
11.	-do-	-do-	Sh. Raj Kumar Paswan, Vill.—Metaya, P.O.—Teesiota, Distt.—Vaishali, Bihar.	-do-
12.	-do-	52-Vaishali	Sh. Jawahar Singh, Vill.—Chak Gulla, Muddin, P.O.—Poterna, Jai Ram, Distt.—Vaishali, Bihar.	-do-
13.	-do-	-do-	Sh. Nathuni Mahto, Vill.—Chakmasood, Nawada, P.O.—Mansoorpur, Vaishali, Bihar.	-do-

1	2	3	4	5
14.	Bye-election to Bihar Legislative Assembly, 1991	52-Vaishali	Sh. Mahtaw Ahmed Khan, Vill. & P.O.—Majhauri, Distt.—Vaishali, Bihar.	Failure to lodge any account of election expenses.
15.	-do-	-do-	Sh. Mahabir Rai, Vill.—Siswanni, Distt.—Vaishali, Bihar.	-do-
16.	-do-	-do-	Sh. Ram Dayal Rai, Vill.—Belka, P.O.—Amritpur, Vaishali, Bihar.	-do-
17.	-do-	-do-	Sh. Ram Shankar Prasad Yadav, Vill.—Jahangirpur, Paterha Sarai Vaishali, Bihar.	-do-
18.	-do-	-do-	Sh. Baleshwar Rai, Vill.—Khalsa Ghat, P.O.—Bajit Pur, Vaishali, Bihar.	-do-
19.	-do-	-do-	Sh. Satish Kumar, Vill.—Nagama, P.O., Chakwaja, Nagma. Vaishali, Bihar.	-do-
20.	-do-	57-Kurahani	Sh. Chitranjan Prasad Thakur, Vill.—P.O.—Kesrawandih, Muzaffarpur, Bihar.	-do-
21.	-do-	-do-	Sh. Nawal Kishore Rai, Vill.—Dharmuhar, P.O.—Turki, Distt.—Muzaffarpur, Bihar.	-do-
22.	-do-	-do-	Sh. Bachhan Paswan, Vill.—P.O.—Shahpur Maricha Distt.—Muzaffarpur, Bihar.	-do-
23.	-do-	-do-	Sh. Rajgir Paswan, Vill.—Ladaura, P.O.—Ladaura Pakari, Distt.—Muzaffarpur, Bihar.	-do-
24.	-do-	-do-	Sh. Shambhu Rai, Kali Bari Road, Malighat, Muzaffarpur, Bihar.	-do-
25.	-do-	162-Poraiyahat	Sh. Kapil Bhagat, Vill.—Bohra, P.O.—Sarwa, Distt.—Godda, Bihar.	-do-

1	2	3	4	5
26.	Bye-election to Bihar Legislative Assembly, 1991.	162-Poraiyahat	Sh. Pakas Mahto, Vill. & P.O.— Deobandha, Distt. Godda, Bihar.	Failure to lodge any account of election expenses.
27.	-do-	-do-	Sh. Mahendra Yadav, Vill. & P.O.—Passi, Distt.—Godda Bihar.	-do-
28.	-do-	-do-	Smt. Shashi Kala Devi, Vill.&P.O. —God ta, Distt.—Godda, Bihar.	-do-
29.	-do-	213-Paliganj	Deleted	-do-
30.	-do-	-do-	Sh. Avdhesh Kumar Yadav Vill. & P.O.—Singhada, P.S.—Dulhinbazar, Eikram, Patna, Bihar.	-do-
31.	-do-	-do-	Deleted	-do-
32.	-do-	-do-	Sh. Uma Shankar Singh, Vill. P.O.—Valhori, Patna, Bihar.	-do-
33.	-do-	-do-	Sh. Jai Prakash, Vill.—Bedki Khedvan, P.O.—Lalabhdhsara, P.S.—Vikram, Patna, Bihar.	-do-
34.	-do-	-do-	Sh. Tej Kumar, Vill. & P.O.—Lalabhdhsara, P.S.—Vikram Patna, Bihar.	-do-
35.	-do-	-do-	Sh. Deena Nath Prasad, Singh, Vill. Serkuna P.O.—Bharatpura, Dulhin Bazar, Patna, Bihar.	-do-
36.	-do-	-do-	Sh. Baleshwar Singh, Urf. Lal Babu, Vill. Tajpur, Bishnupur, P.O.—Rampur Veerapur, Distt.—Jehanabad, Bihar.	-do-
37.	-do-	-do-	Sh. Medni Ram, Vill. & P.O.—Beni Bigha, P.S. Vikram, Patna, Bihar.	-do-
38.	-do-	-do-	Md. Moin, Vill. & P.O.—Paliganj, Bihar.	-do-

1	2	3	4	5
39.	Bye election to Bihar Legislative Assembly, 1991	213-Paliganj	Sh. Raj Kumar Yadav, Vill.—Bhegjoga, P.O.—Achua, Distt.—Patna, Bihar.	Failure to lodge any account of election expenses
40.	-do-	-do-	Sh. Ram Akbal Yadav, Vill. & P.O. Bhadsara, P.S. Dulhin Bazar, Patna, Bihar.	-do-
41.	-do-	-do-	Sh. Ramanuj Sharma Vill. Bhadharipur P.O. Sidhipur Paliganj Bihar	-do-
42.	-do-	-do-	Sh. Ramashish Vill.—Bahadur Pur, P.O.—Jhunathi, Paliganj, Bihar.	-do-
43.	-do-	-do-	Delete	-do-
44.	-do-	-do-	Sh. Lal Bihari Mochi, Vill. P.O.—Amerpura, P.S.—Naubatpur Patna, Bihar.	-do-
45.	-do-	-do-	Sh. Vijay Sharma, Vill.—Balipakar, P.O.—Achua, Distt.—Patna, Bihar.	-do-
46.	-do-	-do-	Sh. Shambhu Singh. Vill.—Akhtiyarpur, Paliganj, Patna, Bihar.	-do-
47.	-do-	-do-	Sh. Sudhama Yadav, Vill.—Rampur Nagwa, P.O.—Paliganj, Patna, Bihar.	-do-
48.	-do-	-do-	Sh. Sunil Kumar, Vill.—Rakaiya, P.O.—Latabhadsara, Dulhaniya, Bazar, Patna, Bihar	-do-
49.	-do-	-do-	Sh. Harender Singh, Vill.—Raksiya, P.O.—Latabhadsara, Patna, Bihar.	-do-
50.	-do-	280-Tundi	Sh. P.K. Chatterjee, Vill.—Nagrikala Post—Bansjora Distt.—Dhanbad, Bihar.	-do-
51.	-do-	-do-	Sh. Prabhu Pd. Vishwakarma, Vill.—P.O.—Gobindpur, Distt.—Dhanbad, Bihar.	-do-

1	2	3	4	5
52.	Bye election to Bihar Legislative Assembly, 1991	285-Jharia	Md. Aslam, Vill.—Bhaga No 4, P.O.—Bhaga, Distt.—Dhanbad, Bihar.	Failure to lodge any account of election expenses
53.	-do-	-do-	Sh. Kali Charan Gope, Bhora No. 12, Vill.—Bhowra, P.O.—Bhowra, Distt.—Dhanbad, Bihar.	-do-
54.	-do-	-do-	Sh. S.S. Kiya-u-din, Vill.—Digvardih, P.O.—Jorapokhar, Distt.—Dhanbad, Bihar.	-do-
55.	-do-	-do-	Sh. Dashrath Singh, Vill.—Boragarh, Post.—Bhagabandh, Distt.—Dhanbad, Bihar.	-do-
56.	-do-	-do-	Sh. Mofiz Sahil, Upparkooli, Post.—Jharia, Distt.—Dhanbad, Bihar.	-do-
57.	-do-	-do-	Sh. Rajdev Singh, Vill.—Boragarh, Post.—Bhutgarhya, Distt.—Dhanbad, Bihar.	-do-
58.	-do-	-do-	Sh. Ramji Singh, Vill.—Durgapur, Post.—Jharia, Distt.—Dhanbad, Bihar.	-do-
59.	-do-	-do-	Sh. Shakildeep Praded, Vill.—Durgapur, Post.—Jharia, Dhanbad, Bihar.	-do-
60.	-do-	310-Sisai (S1)	Sh. Pandra Oraon, Vill.—Samal Jorgo Toli, P.O.—Segra, P.S.—Sisai, Distt.—Gumla, Bihar.	-do-
61.	-do-	-do-	Sh. Bedhnath Oraon, Vill.—Rerwa Kuchaitoli, P.O.—Murgu, P.S.—Sisai, Distt.—Gumla, Bihar.	-do-

1	2	3	4	5
62.	Bye election to Bihar Legislative Assembly, 1991	316-Latehar	Sh. Ganga Ram, Vill.—Diridag, P.O.—Ichak P.S.—Balumath, Distt.—Palamau, Bihar.	Failure to lodge any account of election expenses
63.	-do-	-do-	Sh. Dhanukdhari Ganjhu, Vill.—Balumath, Distt.—Palamau, Bihar.	-do-
64.	-do-	-do-	Sh. Ram Deo Ganjhu, Vill.—Chatro, P.O. + P.S.—Chandwa, Distt.—Palamau, Bihar.	-do-
65.	-do-	-do-	Sh. Bijay Ram, Vill.—Dali, P.O. + P.S.—Mohammadganj, Bihar.	-do-

[No. 76./BR-LA/93]

By order,

ARCHNA ARORA, Secy.

नई दिल्ली, 23 फरवरी, 1993

New Delhi, the 23rd February, 1993

आ.प्र. 65.—17-रायपुर संसदीय निर्वाचन क्षेत्र के लोक सभा के लिए जून, 1991 में हुए साधारण निर्वाचन में निर्वाचन लड़ने वाले अभ्यर्थी श्री राजेन्द्र शर्मा, पंजाब प्रांतियल मिल गयी रामसागरपाड़ा रायपुर (मध्य प्रदेश) को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन, उक्त अधिनियम और तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहने पर भारत निर्वाचन आयोग ने तारीख 7 अक्टूबर 1992 के अपने आदेश सं. 76/म.प्र.-लौ.स./92(3) द्वारा निरहित किया था;

और, उक्त श्री राजेन्द्र शर्मा के लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन उन्हें निरहित करने वाले आदेश की समीक्षा करने के लिए निर्वाचन आयोग के पास यह बताते हुए एक प्रार्थना पत्र की थी कि उन्होंने 20 अप्रैल 1992 को जिला निर्वाचन अधिकारी रायपुर को पहले ही अपने निर्वाचन व्ययों का लेखा दाखिल कर दिया था;

और, याचिका पर विचार करने और मामले के सभी महत्वपूर्ण तथ्यों का ध्यान में रखने के पश्चात् लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग ने तारीख 12 फरवरी, 1993 के अपने आदेश द्वारा उक्त अधिनियम की धारा 10क के अधीन तारीख 7 अक्टूबर, 1992 को जारी किए गए आयोग के आदेश द्वारा श्री राजेन्द्र शर्मा पर लगाई गई निरहिता को तारीख 12 फरवरी, 1993 से हटा दिया है;

अतः अब उक्त श्री राजेन्द्र शर्मा का नाम भारत के राजपत्र और मध्य प्रदेश के राजपत्र में यथा प्रकाशित आयोग के तारीख 7 अक्टूबर, 1992 के आदेश सं. 76/म.प्र.-लौ.स./92(3) से तारीख 12 फरवरी 1993 को सम्मिलित करते हुए उस तारीख से हटा दिया गया समझा जावेगा।

म.प्र.-लौ.स./17/92/3017]

आदेश से,
गन्ध्याम खोहर, सचिव

O.N. 65.—Whereas, Shri Rajendra Sharma of Punjab Oil Mill Gali, Ramsagarpara, Raipur (Madhya Pradesh), a contesting candidate for the General Election to Lok Sabha from 17-Raipur Parliamentary Constituency held in June, 1991, was disqualified by the Election Commission of India vide its Order No. 76/MP-HP/92(3) dated 7th October, 1992, under section 10A of the Representation of the People Act, 1951, for failure to lodge any account of election expenses as required by the said Act and Rules made thereunder;

And whereas, the Shri Rajendra Sharma had submitted a petition before the Election Commission of India for reviewing the order disqualifying him, under Section 10A of the Representation of the People Act, 1951, stating that he had already lodged his account with the District Election Officer, Raipur on 20th April, 1992;

And whereas, after considering the petition and taking into account all material facts of the case the Election Commission in exercise of the powers conferred by Section 11 of the Representation of the People Act, 1951 has vide its Order dated 12th February, 1993, removed the disqualification of Shri Rajendra Sharma, imposed upon him by the Commission's order dated 7th October, 1992 under Section 10A of the said Act, with effect from 12th February, 1993;

Now, therefore, the name of the said Shri Rajendra Sharma shall be deemed to have been omitted from the Commission's Order No. 76/MP-HP/92(3) dated 7th October, 1992, as published in the Gazette of India and the Madhya Pradesh Government Gazette on and from 12th February, 1993.

[No. MP-HP/17/92/3017]

By order,

GHANSHYAM KHOHAR, Secy.

नई दिल्ली, 26 फरवरी, 1993

आ. प्र. 66.—निर्वाचन आयोग 46-मांगवी संसदीय निर्वाचन क्षेत्र से लोक सभा के लिए प्रकाश भापू बसन्त राव पार्टील के निर्वाचन को

प्रस्तुत करने हुए, 1991 की निर्वाचन प्रक्रिया में, 3 में मुम्बई स्थित उच्च न्यायालय के तारीख 10 फरवरी, 1992 को निर्णय को लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में इसके द्वारा प्रकाशित करता है।

[सं. 82/महा-जो.स./3/91 (मुम्बई) 93]

आदेश से

बलवंत सिंह, सचिव

New Delhi, the 26th February, 1993

O.N. 66.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgment dated 10th February, 1992 of the High Court of Judicature at Bombay in Election Petition No. 3 of 1991, calling in question the election of Shri Prakash Babu Vasantrao Patil to the House of the People from 46-Sangli Parliamentary Constituency.

[No. 82/MT-HP/3/91(Bombay)]93]

By order,

BALWANT SINGH, Secy.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

Election Petition No. 3 of 1991

Shirish Ramkrishna Puntambekar,
of Kavalapur, Indian Inhabitant,
residing at 150-A Ramkrishna Kripa,
Main Road, Kavalapur,
Taluka Miraj, Dist. Sangli,
Maharashtra.

...Petitioner.

Vs.

Prakash Babu Vasantrao Patil
of Sangli, Indian Inhabitant,
residing at House No. 161,
at & post Padmale, Tal. Miraj District Sangli,
Maharashtra.

...Respondent.

Shri Anand Grover—for the petitioner.

Shri V. C. Kotwal with Shri S. G. Surana—for respondent.

Coram : R. G. Sindhakar, J.

Dated : 10th February, 1992

JUDGMENT

The unsuccessful candidate has filed this petition against the respondent who has been declared elected from the 46th Sangli Parliamentary Constituency, the results of which were declared on 12th of June 1991. The challenge is under Section 100(1)(iv) of the Representation of Peoples Act, 1951, hereinafter referred to as the said Act. According to the petitioner the returning officer has violated the provisions of the said Act, Rules and Orders pertaining to the election. He further states that as a result of the said violation, results of the election have been materially affected and have to be set aside.

2. The notification was issued on 19th of April, 1991 by the returning officer of the Sangli Parliamentary Constituency and he notified the date of election to the house of people in that constituency. Nomination papers were to be submitted not later than 26th April, 1991. As a result of death of Prime Minister Rajiv Gandhi actual date of election which was scheduled to be held on 23rd May, 1991 was postponed to 12th June, 1991 by another notification dated 22nd May, 1991. It is not necessary to refer to them in greater details. Suffice it to say that the petitioner submitted in all four nomination papers on or before the due date. Two of them mentioned that he was set up by Samajwadi Janata Party,

one mentions that he was set up by Janata Dal and the other mentions that he was set up by Janata Dal. In all these nomination papers he asked for the symbol Haldhar within wheel. The Returning Officer however did not allot him the symbol which he asked for and he had, therefore, to take another symbol i.e. Shield with Swords and on that symbol as an independent candidate he contested the election and lost. It is his case that non-allotment of the symbol to which he was entitled i.e. Haldhar, within Wheel, which is reserved symbol for the Janata Party, has materially affected the results of the election.

3. The respondent, successful candidate, filed his written statement denying the allegations made by the petitioner and raised several other contentions. Issues came to be framed and they are set out below together with my findings :

1. Whether the petition is liable to be dismissed for non-joinder of necessary parties or proper parties? No
2. Whether the petition is barred by law of limitation? No
3. Does the petitioner prove that he was validly nominated by the Janata Party to which 'Haldhar within Wheel' symbol was allotted in the 46th Sangli Parliamentary Constituency? No
4. Does the petitioner further prove that he was entitled to that symbol? No
5. Whether the petitioner proves that he was wrongly denied the symbol? No
6. Does the petitioner further prove that the result of the 46th Sangli Parliamentary Constituency has been materially affected on account of wrongful refusal to allot that symbol to him? No
7. Is the petitioner estopped by his conduct from challenging the allotment of the said symbol? Yes
8. Whether the petitioner has no cause of action? No
9. Whether the petitioner is entitled to any relief? If so, what order? As per Order.

4. So far as the first issue is concerned, it was contended that for non-joinder of necessary party i.e. the Returning Officer, petition is liable to be dismissed. I do not find any merit whatsoever in this contention. It is only the successful party whose election is challenged who has to be joined as party to the proceedings under section 82 of the said Act. He has been joined. No allegations of impropriety have been made against the Returning Officer. All that has been alleged is violation of the provisions of law. In such circumstances it is not necessary to join the Returning Officer and in support of this the learned Counsel for the petitioner has relied upon the decision in *Jugal Kishore Patnaik vs. Ratnakar Mohanty* AIR 1977 2130. The second decision relied upon on this point is *Kosalram vs. Dr. Santhosham and Ors.* AIR 1967 116. There the contention was that the petition was bad for non-joinder of the Returning Officer and the same was not accepted. It was held that the Act does not say that the Returning Officer is either a necessary party or a proper party in an appropriate case. Whenever there are allegations of bad faith, misconduct and impropriety and not merely illegality made against the Returning Officer in an election petition, the Returning Officer is a proper party, though not a necessary party. In proper cases, the Returning Officer may be a proper party to the election petition, even though section 82 of the Act does not make him a necessary party. Finding therefore on issue No. 1 is accordingly recorded.

5. So far as the bar of limitation is concerned I find that there is no merit in that contention. The learned counsel appearing for the respondent also did not stress that point and addressed any arguments in that behalf. The results of

the election were declared on 16th June, 1991 and the petition has been filed on 30th July, 1991. Therefore it has been filed within 45 days i.e. within the period of limitation.

6. The real controversy between the parties is about the allotment of the symbol. The petitioner's contention is that though he was a candidate validly nominated by the Janata Party to which the Haldar within wheel symbol was allotted, he was not given that symbol and made to fight his election on a different symbol that was allotted to him. The gazette notification published in the Maharashtra Government Gazette dated 19th April, 1991 shows the symbols reserved in column No. 2 and names of the National Parties are mentioned in column No. 1 of Table I. For Janata Party the symbol 'Haldhar within Wheel' (Chakra Haldhar) is shown to have been reserved. Petitioner's case therefore is that since he was validly nominated candidate of the Janata Party he should have been given that symbol and the point that therefore arose is whether he was a candidate set up by the Janata Party.

7. Clause 13 of the Election Symbols (Reservation and Allotment) Order, 1968, hereinafter referred to as the Symbol Allotment Order, reads thus :

"13. When a candidate shall be deemed to be set up by a political party :

For the purposes of this order a candidate shall be deemed to be set up by a political party if, and only if :

- (a) the candidate has made a declaration to that effect in his nomination paper ;
- (b) a notice in writing to that effect has, not later than 3 p.m. on the last day of withdrawal of candidatures, been delivered to the returning officer of the constituency, and
- (c) the said notice is signed by the president, the secretary or any other office-bearer of the party and the president, secretary, or such other office-bearer is authorised by the party to send such notice and the name and specimen signature of the president, the secretary or such other office-bearer are communicated in advance to the returning officer of the constituency and to the Chief Electoral Officer of the State."

It is clear from clause 13 referred to above that a candidate shall be deemed to be set up by a political party if and only if he fulfils the conditions of the said clause. The petitioner relies upon two forms Exhibits G and H and a letter Exh. J in support of this. On the same day on which the Gazette Notification was published on 19th April, 1991 to which I have made a reference above and which is marked as Exhibit 1, the President of the Janata Party wrote a letter to the Chief Electoral Officer, Maharashtra, Bombay and sent to him Form A signed by Om Prakash Chautala who was authorised by his party to send the notice under Paragraph 13 of the Election Symbols (Reservation and Allotment) Order, 1968 for the purpose of ensuring elections to the House of People and State Legislative Assemblies, except for the State of Bihar and Uttar Pradesh. A request was also made to transmit the same to the respective Returning Officers of the State. Accompanying this letter is a Form A and it bears the specimen signature of Om Prakash Chautala as authorised person. In Form H, Shri Om Prakash Chautala informs the Returning Officer for 46th Sangli Parliamentary Constituency the name of the petitioner and he sends the same alongwith a letter which is marked Exh. G. The Form H mentions the name of the present petitioner as the name of the approved candidate for the 46th Assembly Constituency. This purports to have been signed by Om Prakash Chautala. The point that arises for consideration is whether this was in compliance with the provisions of clause (b) of section 13 of the Symbol Allotment Order.

8. The contention raised on behalf of the respondent is that as per the provisions of clause (b) of section 13 a notice in writing to that effect has to reach not later than 3 p.m. on the last day of withdrawal of candidatures. There is no signature of receipt on either Exhibit G or Exhibit H. Therefore a receipt has been produced at Exh. 4 to show that it was so delivered. All that it mentions is that it was received on 29th April, 1991 by Aval Karkun to Returning Officer. No time for the receipt of this is mentioned. It also does not bear the stamp of the Returning Officer or Aval Karkun to the Returning Officer. Therefore submission was that the documentary evidence by itself does not show that it was delivered in the office of the Returning Officer before 3 p.m. on 29th April 1991. It is not necessary to state that that was the last date fixed for withdrawal of nomination papers. Therefore, one has to fall back upon other evidence to see whether this was delivered before 3 p.m. on 29-4-1991. The petitioner admits that it is his agent who delivered this in the office of the Returning Officer. In paragraph 3 of his deposition he states as under :

"On 29th April, 1991 I gave the party's authorisation in Forms A and B."

In the course of cross-examination he admits that on 29th April, 1991 he had gone to the office of the Returning Officer after 3 p.m. In the course of his evidence he found it difficult to then substantiate his contention that he had delivered it before 3 p.m. on the same day. Therefore in paragraph 19 of his evidence he makes out a case that :

"It was on 29th April, 1991 that I lodged Forms A and B with the Returning Officer. I do not admit that the Forms A and B was lodged after 3 p.m. on 29-4-1991. My election agent R. S. Pol has lodged it."

R. S. Pol has not been examined in support of his contention. The petitioner has in the course of his petition which he filed mentioned in para 9 to this effect which reads thus :

"The petitioner submits that the allotment of symbol is due on the basis of Forms A and B under para 13 of Election Symbols (Reservation and Allotment) Order, 1968. The petitioner states that the nomination form was accompanied by the authorisation in Forms A and B duly signed by the Secretary General of the Janata Party Shri Om Prakash Chautala. Therefore he was entitled to the said Symbol 'Haldhar within Wheel'."

Therefore he came out with a case at the time of filing of the petition that Forms A and B were submitted alongwith the nomination papers. At the time of his examination-in-chief he came out with a case that he had lodged the Forms A and B with the Returning Officer. At the time of cross-examination he had to concede that he did not do it but his election agent Shri Pol did it. He failed to examine Shri Pol in support. The document produced as receipt does not bear time at which it was produced nor does it bear necessary stamp of the Returning Officer. It has to be noted that the petitioner examined one Shri Bhokare from the office of the Returning Officer. He is of the rank of Aval Karkun. He was shown this Exhibit G which is Form A. He says that at the top there is a reference to para 13(c) of the Election Symbol Reservation and Allotment Order, 1968. According to him it was received in their office but that he will not be able to tell when it was received in there office. There is no stamp and, therefore, he cannot say the time and date when it was received. Lastly he says that because it was in his file he says that it was received in their office. Therefore he is also not able to say that it was received on 29-4-1991 and that too before 3 p.m., the time by which it ought to have been received by the Returning Officer under clause (b) of section 13 of the Symbol

Allotment Order. In the circumstances I find that clause (b) of section 13 of the Symbol Allotment Order is not complied with.

9. Coming to clause (a) of section 13 of the said Symbol Allotment Order, it has to be noted that the petitioner had submitted in all four nomination forms C, D, E, F. It is permissible for a candidate to submit more than one form but not exceeding four in number. What was done by the petitioner is rather peculiar. He submitted form C stating therein that he has been set up as a Candidate by 'Janata Dal' though he claimed same symbol Haldhar within wheel as his choice. Form D states that he was set up by 'Samajwadi Janata Party' and asked for the same symbol Haldhar within Wheel. In the third form E he mentioned that he was set up by 'Janata' and asked for the same symbol. The last form F is submitted mentioning that he was set up by 'Samajwadi Janata' and asked for same symbol Haldhar within Wheel. It is already seen that the Gazette Notification dated 19-4-91 mentions 4 different parties i.e. Janata Dal, Janata Party, Lok Dal and lastly Janata Dal (Samajwadi). Four different symbols were reserved for these four parties. Therefore for Janata Dal he could not have asked for the symbol Haldhar within Wheel, for Janata Dal (Samajwadi) he could not have asked for the said symbol. It is only for Janata Party he could have asked for that symbol i.e. Haldhar within Wheel as it was reserved for that party. By filing four nomination papers two of them on the ground that he was set up by Samajwadi Janata Dal and one of them that he was set up by Janata Dal and fourth that he was set up by Janata. He has created enough confusion for himself apart from that which must have been caused to the Returning Officer. The petitioner himself does not appear to be sure as to by which party he was set up as a candidate. Now the argument advanced on behalf of the petitioner is that he has in one form i.e. Exhibit E stated that he has been set up by Janata Party. As already pointed out that what is stated there was that he has been set up by 'Janata'. The word 'party' is clearly missing. The learned counsel for the petitioner stated that the word 'Janata' is followed by printed word 'pakshane'. He therefore, submits that it was not necessary to mention that word 'party' over again before the word 'Pakshane'. It is true that the translation of the word 'pakshane' could be 'party' but it is difficult to insert that word 'party' there after the word 'Janata' as urged on behalf of the petitioner. I have already stated that the Gazette Notification clearly shows that the name of the party to which Haldhar within Wheel is allotted is Janata Party and not only Janata. Besides this there is another party known as Janata Dal and that is a recognised National Party and for which another symbol has been reserved. Therefore one does not know whether the petitioner wants to add the word 'Dal' there or 'party' after the word 'Janata'. In view of the fact that he has also chosen to state in one more form that he has been set up by Janata Dal, this possibility of the intending to write the word Dal there after Janata cannot be ruled out. He does not give any explanation for that in the evidence. Besides, this as already stated earlier, he has also stated in two other application that he has been set up by Samajwadi Janata. Therefore it is not possible for the Returning Officer to deduce there from that he was set up by Janata Party and therefore entitled to the symbol Haldhar within Wheel, reserved for that party. Therefore in my opinion clause (a) of section 13 of the Symbol Allotment Order is also not complied with.

10. The learned counsel appearing for the respondent also referred to rule 5 of the Conduct of Election Rules, 1961. He submits that under sub-clause (2) of rule 5, where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination papers first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 10 even if that nomination paper has been rejected. He submits therefore the first nomination paper mentioned Janata Dal and therefore he was not entitled to the symbol not reserved for Janata Dal. I am unable to accept this line of argument. This relates to sym-

bol and the symbol that was asked for was Haldhar within Wheel, in all four nomination papers including the first. Therefore the argument advanced is not plausible. Be that as it may be as I pointed out that there is no material on record to show that there was mention in his nomination papers that he was set up by Janata Party and therefore entitled to the symbol is not correct. It is not necessary to state that the candidate is not set up by a National Political Party for which the symbol is reserved and is not entitled to that symbol, if not set up by that party.

11. Petitioner then states that he insisted upon the allotment of that symbol at the time of allotment of symbols and made an application to that effect which is at Exhibit K. That makes matter more confusing. He states that he submitted nomination papers on 25-4-1991 and they are four in number. He further states that "Our party is new and therefore he filed two nomination papers for Samajwadi Janata. He then states that two nomination papers have been filed for Janata. He then went on stating that he has received A. B. forms through Janata Paksh and they have been produced in time and they have been after scrutiny accepted and therefore he should be given the symbol mentioned in forms A. and B. In fact in the forms Exh. A and B there is no mention about the symbol. It only mentions the name of the authorised person in form G and the name of the candidate set up. Apart from that I find that the petitioner has not succeeded in establishing that he mentioned in his nomination forms that he was a candidate set up by Janata Party which was a recognised National Party and to which the symbol Haldhar within Wheel was allotted.

12. It was urged on behalf of the petitioner that when such words came to be mentioned by candidate in other constituency, same was accepted by the Returning Officer. I do not think that it has much relevance for the purpose of determining the issue in this petition. The petitioner in form K as an agenda mentioned that in case he was not able to get symbol Haldhar within wheel, then he may be given the symbol of shield and swords. That was allotted to him and this was communicated to him immediately thereafter. Therefore it appears that he also in the alternative asked for other symbol and that was given to him.

13. Under clause 3 of section 8 of the Allotment of Symbol Order, a reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State Party for whom such symbol has been reserved in the State in which it is a State Party even if no candidate has been set up by such National or State Party in that constituency. Therefore considering from that point of view also the petitioner was not entitled to that symbol Haldhar within Wheel, reserved for the Janata Party a National Party, and could not have been given to him. Realising this he asked for another alternative symbol and which was given to him. He contested election on that symbol, as an independent candidate. He made no grievance about non-allotment of the symbol to which he entitled. He neither informed his party leaders who had set him up nor did he complain to the Election Commissioner about it. This conduct on the part of the petitioner in my opinion clearly goes to show that he was aware of the fact that he was not entitled to that symbol, Haldhar within Wheel. In my opinion he could be said to have been estopped from now contending that he was entitled to that symbol and should have been given. Issue no. 7 is therefore accordingly answered.

14. The challenge by the petitioner is under section 100(d) (iv) of the said Act. Section 100 enumerates the grounds for declaring the election to be void. Clause (d) which is one of the grounds states that :

"(d) that the result of the election in so far as it concerns a returned candidate, has been materially affected :

(i)

(ii)

(iii)

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act".

Therefore the petitioner wants to contend that there has been non-compliance or violation of the provisions of the Act, or Rules or Orders made under the Act.

15. The learned counsel for the petitioner relied upon a decision of the Supreme Court in AIR 1982 SC 1559—*Roop Lal Sathi vs. Nachhattar Singh*. In that case it was held that :

"The Symbols order made by the Election Commission in exercise of the power under Art. 324 of the Constitution of India read with Rr. 5 and 10 of the Conduct of Elections Rules and all other powers enabling it in that behalf, are in the nature of general directions issued by the Election Commission to regulate the mode of allotment of symbols to the contesting candidates. It is a matter of common knowledge that elections in our country are fought on the basis of symbols. It must but logically follow as a necessary corollary that the Symbols order is an order made under the Act. Therefore any breach of para 13 or 18 of the Symbols Orders amounts to non-compliance with the provisions of the Constitution, or the Act, or any orders made under the Act and therefore the change of allotment of symbols by the Returning Officer in compliance with the directions of the Election Commission was a matter which fell within the purview of S.100(1)(d)(iv) of the Act."

It is true that if the petitioner had succeeded in establishing that he was entitled to that symbol Haldhar within Wheel and that he was wrongly denied that, then non-compliance could have been held and it would have come within the mischief of section 100(d)(iv) of the Act. However, as I have not accepted the petitioner's case on the point, in my opinion there is no non-compliance with the provisions of the Symbols Orders or Election Rules or any of the provisions of the Act, much less Constitution of India.

16. Even if non-compliance was held established the point is whether the petitioner would have succeeded in getting the relief which he has asked for. In this connection words in the clause (d) of section 100 of the Act have to be noted and it states that "that the result of the election, in so far as it concerns a returned candidate, has been materially affected (underlining is mine) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or Orders made under this Act". Unless this latter aspect is established the petitioner could not have succeeded. In this connection the learned counsel for the respondent relied upon a decision in the case of *Smt. Lata Devi (Mali) vs. Haru Rajwar* AIR 1990 S.C. 19. After referring to several earlier judgments in the field, the Supreme Court observed as under :

"The party who wishes to get an election declared void has to establish by satisfactory evidence that the result of the poll had in fact been materially affected by the violation of R. 10(5) of the Rules. For doing this, it has to be demonstrated that the votes would have been differed in such a way that the returned candidate would have been unsuccessful. In the instant case there was no evidence to demonstrate the returned candidate having derived any benefit from the change of symbol of the election petitioner. Contesting candidate to whom the 'bow and arrow' symbol was later allotted, was not the successful

candidate. The election petitioner was required to show that such number of votes had gone in favour of the petitioner, simply because of the change of symbol as would, without that number of votes, make the successful candidate unsuccessful. The petitioner, besides making bare statement, had not produced any other satisfactory evidence in support of such a proposition. Therefore it cannot be said that the result of the election, in so far as it concerned the returned candidate was materially affected. The violation of sub-rule (5) of rule 10 or per se will not invalidate the election. The election petitioner has also to prove that the result of the election, in so far as it concerns the returned candidate, was materially affected."

That was a case in which the symbol allotted to the petitioner was withdrawn and given to another candidate. The petitioner made grievance for this and he failed in getting the election set aside on the ground that he had not discharged the burden that lay upon him to show that the result of the concerned returned candidate was materially affected by the change of symbol. The observations of Justice Hidayatullah in *S. N. Balakrishna vs. Fernandes* AIR 1969 SC 1201 have been quoted :

"In our opinion the matter cannot be considered on possibility. Vashist Narain's case insists on proof. If the margin of votes was small something might be made of the points mentioned by Mr. Jethmalani. But the margin is large and the number of votes earned by the remaining candidates also sufficiently huge. There is no room, therefore, for a reasonable judicial guess. The law requires proof. How far that proof should go or what it should contain is not provided by the legislature. In Vashist's case (1955) 1 SCR 509; AIR 1954 SC 513, and in *Inayatullah v. Diwanand Mahajan*, (1958) 15 Ele. L. R. 219 at pp 235-236 (Madh Pra) the provision was held to prescribe an impossible burden. The law has however remained as before. We are bound by the rulings of this Court and must say that the burden has not been successfully discharged. We cannot overlook the rulings of this Court and follow the English rulings cited to us".

Therefore it is clear that the petitioner has in addition not to only show non-compliance of the provisions of law but also must show that it has materially affected the result of the concerned candidate. In this connection reference will have to be made to the evidence given by the petitioner. The petitioner has not said a word about this aspect of the matter in his evidence and this is a surprising part. Petitioner, however, in the course of evidence admitted certain facts. He stated that the respondent has been elected on three successive occasions from the same constituency. It is true that he has won over his nearest rival by a margin of over lakh of votes. In this particular election the petitioner secured 2448 votes and the respondent secured 3,13,906 votes. The nearest rival candidate of the successful candidate was Shri Lad who secured 1,06,226 votes and the candidate who secured third rank secured 49,025 votes. It is stated in the evidence that this constituency is the stronghold of the Congress (I) party on which ticket the respondent contested the election and succeeded. It is therefore difficult to hold that the result of the successful candidate in the election under challenge has been materially affected, as a result of non-compliance of any provisions of the Act, Rules and/or Orders. Thus finding on issue no. 6 is accordingly recorded.

17. In the circumstances aforesaid, issues nos. 7, 8 and 9 will have to be answered in the negative. Hence the petitioner is not entitled to any reliefs asked for in the petition. Therefore the petition is liable to be dismissed. Hence dismissed with costs.